

Message

Sent: 12/1/2019 9:33:15 PM
To: devon.downs@mlfarleypc.com
CC: 'Saldana, Margarite' [Margarite.Saldana@tpcgrp.com]; 'Mark L. Farley' [mark.farley@mlfarleypc.com]; 'Danica McAllister' [danica.mcallister@mlfarleypc.com]; 'Gehrke, Brian' [Brian.Gehrke@tpcgrp.com]; Quinones, Edwin [quinones.edwin@epa.gov]
Subject: RE: TPC- Hand Delivery of Drone Footage from 11.27.2019 to 11.30.2019

Thank you for the external hard drive. I appreciate any legal discussion include Ed Quinones. I very much appreciate the sharing of incident and response knowledge and continued flow of information.

I appreciate the notification of claims, but would advise that without knowing exactly what file, document, page of a document, etc you are claiming a specific exemption for, EPA can't notify TPC of which type of information is being requested under a FOIA. Also, without knowing which information that has been provided that falls under any of the requested exemptions you claim, your claim is basically for all of the information on the hard drive.

This also goes for the IAP that is stamped with CBI on the cover. TPC needs to identify which information in the IAP is CBI, PII, etc, mark it as such, and provide this to EPA.

I'll have to confer with legal regarding how to proceed with FOIA requests, if Mr Farley's email is intended to state that all documents and emails provided to EPA prior to Mr Farley's email will have to be reviewed by TPC legal prior to responding to a FOIA request. This will greatly impact the response time of the FOIA process.

Please note, I've only opened the box to make that it is in there, but have not connected to it. If you wish to come recover the hard drive, please do so and notify by responding.

Thank you

From: devon.downs@mlfarleypc.com <devon.downs@mlfarleypc.com>
Sent: Sunday, December 01, 2019 3:26 PM
To: Adams, Adam <Adams.Adam@epa.gov>
Cc: 'Saldana, Margarite' <Margarite.Saldana@tpcgrp.com>; 'Mark L. Farley' <mark.farley@mlfarleypc.com>; 'Danica McAllister' <danica.mcallister@mlfarleypc.com>; 'Gehrke, Brian' <Brian.Gehrke@tpcgrp.com>
Subject: TPC- Hand Delivery of Drone Footage from 11.27.2019 to 11.30.2019

Adam-

This email will confirm that at the EOC today, TPC provided to you via hand delivery a hard drive marked "CONFIDENTIAL BUSINESS INFORMATION / SENSITIVE SECURITY INFORMATION" containing drone photos and videos taken from November 27, 2019 to November 30, 2019. Please note that some of the information that the Company is providing constitutes trade secrets and confidential commercial or financial information ("Confidential Business Information" or "CBI") exempted from public disclosure under 5 U.S.C. Section 552(b)(4) and subject to a claim of confidentiality under 40 C.F.R. Section 1601.26(b) and 40 C.F.R. Section 2.208. Additionally, please also note that some of the information the Company is providing constitutes Sensitive Security Information ("SSI"). SSI is defined in 49 C.F.R. Section 1520.5 and is also exempted from public disclosure under 49 U.S.C. Section 40119(b). Please treat these documents and the information they contain as confidential, and provide TPC written notice of any request to release CBI, SSI, or trade secrets, as provided by the Freedom of Information Act or equivalent state law.

Best,
Devon

Devon E. Downs | PARTNER
O: 832.653.8708 | **C:** 925.998.6100 | **in**
E: devon.downs@mifarleypc.com | **W:** www.mifarleypc.com

